

Field	Value
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Date	10/01/2009
Time	08:56:00 AM
Duration	
Status	U
Description	
Client ID	70.00
Related Party	
User ID	BGP
Sent/Received	S
To/From	Yisel@cabanillaslaw.com
Subject	
Spoke With	N
Returned Call	N
Left Message	N
Voice Message	N
First Date	mm/dd/yyyy
Last Date	mm/dd/yyyy
First Time	hh:mm:ss AM
Last Time	hh:mm:ss AM
Duration	
Research URL	
Research File	
E-mail Body	Domingo Hernandez is here. That you gave him an appointment for 830

Thank you,

Betty

Betty G. Penafiel

Assistant to Christopher R. Cabanillas, Esq.

Cabanillas & Associates, PC

245 Main Street - Suite 120

White Plains, NY 10601

Phone: 914.385-0292

Fax: 914-470-2988

Email: betty@cabanillaslaw.com

Field	Value
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-mail Attachments

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C

C

Yisel@cabanillaslaw.com

Betty Penafiel <betty@cabanillaslaw.com>

chris@cabanillaslaw.com

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN THE MATTER OF

CHAPTER 7
DOMINGO HERNANDEZ,

CASE NO.: 09-23833 (RDD)

DEBTOR.

-----X

STATE OF NEW YORK)
)
COUNTY OF WESTCHESTER) ss.:

I, Betty Penafiel, being duly sworn, do depose and state:

1. I am a paralegal in the office of Cabanillas & Associates, P.C.
2. Mr. Hernandez arrived at the Office of Cabanillas & Associates, P.C. at approximately 8:56 a.m. on October 1, 2009 and first met with me, Betty Penafiel.
3. Mr. Hernandez specifically told me that he was at Cabanillas & Associates, P.C. to complete a bankruptcy petition.
4. I informed Mr. Cabanillas that Mr. Hernandez was present, and was instructed by him to have Mr. Hernandez sit with the firm's paralegals to complete the bankruptcy

petition.

Sworn to before me this 5th

day of November, 2009.




BETTY PENAFIEL

MACEO MCRAE
Notary Public, State of New York
No. 011806162469
Qualified in Bronx County
Commission Expires March 12, 2011

-----X

CASE NO.: 09-23833 (RDD)

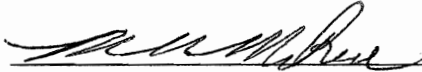
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1. I am a paralegal in the office of Cabanillas & Associates, P.C.
2. On October 1, 2009, around 9 AM, I was informed that a Mr. Hernandez needed our help in completing and filing a bankruptcy petition.
3. I began to complete the bankruptcy petition at a computer terminal containing Best Case Bankruptcy Software with Mr. Hernandez next to me providing information and bankruptcy petition preparer Evan Smith on the phone assisting in this work.
4. Mr. Hernandez was aware that I was completing a Chapter 7 bankruptcy petition for him.

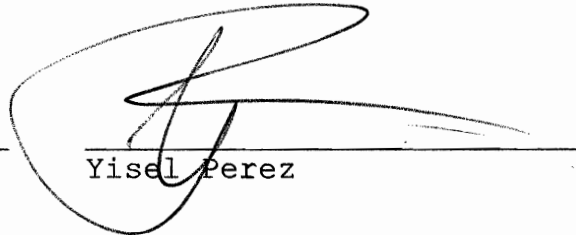
5. Shortly thereafter, Mr. Atheeb Khateeb joined Mr. Hernandez and myself at the Best Case Bankruptcy Software Terminal.
6. Mr. Khateeb and myself continued to work with Mr. Hernandez to complete his bankruptcy petition, in full communication over the telephone with Evan Smith, bankruptcy preparer.
7. Mr. Hernandez was aware that Mr. Khateeb was assisting in the preparation of his bankruptcy petition.
8. Mr. Hernandez provided all of the information submitted in his bankruptcy petition, including the listing of his name as Domingo Hernandez Sr., his social security number, as well as listing his home address in Yonkers, NY.
9. After we had the information we needed initially from Mr. Hernandez, he said he had to go because he was late for work; he would not stay long enough to sign the petition after we finished drafting it on the software program though we told him that he had to. Instead, he said he would come back later on that day and complete whatever he had to complete but told us to go ahead and file the Chapter 7 petition that morning on his behalf.

10. I do not know if he ever returned.

Sworn to before me this 5th
day of November, 2009.



MACEO MORA
Notary Public, State of New York
No. 01MC5102409
Qualified in Bronx County
Commission Expires March 12, 2011



Yisel Perez

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
IN THE MATTER OF

DOMINGO HERNANDEZ,

DEBTOR.

CHAPTER 7

CASE NO.: 09-23833 (RDD)

AFFIDAVIT OF NON-PARTY
ATHEEB KHATEEB

-----X
State of New York)

) ss.:

County of Westchester)

ATHEEB KHATEEB, a non-party in this action, being duly sworn, deposes and says:


1. I am a law clerk at Cabanillas & Associates, P.C.
2. Domingo Hernandez's final settlement conference was scheduled for October 1, 2009, and so he agreed to file an emergency bankruptcy.
3. Evan Smith, who usually files the bankruptcies at our firm, told me he would not be able to come into the office prior to the settlement conference to do Mr. Hernandez's filing. Though, Evan Smith said he would be available to guide someone through it over the phone.
4. I was still driving to work at 9:00am, but Mr. Hernandez was already there ready to file the bankruptcy. So, Yisel Perez spoke with Evan Smith to help Mr. Hernandez through it.
5. After I arrived at work, Yisel Perez asked me to take over since she had a heavy workload that morning, and then I continued the filing with Evan Smith on the phone.
6. Evan Smith remained on the phone with me throughout the remainder of the filing.
7. After finishing, I printed out the confirmation page and texted Sawsan Zaky while she went to Mr. Hernandez's final settlement conference to tell her that the bankruptcy filing was completed.

8. I then asked Mr. Hernandez to stay to complete the online bankruptcy course, but he said that he could not stay because he had been here too long already and that he had to get to work.
9. I asked Mr. Hernandez to come after work, and he said he would try but it might be late or he would have to come some other time. To my knowledge, he never came back.

Dated: White Plains, New York

November 5, 2009

X



Atheeb Khateeb

Before me this 5th day of November 2009 came Atheeb Khateeb, known to me on the basis of satisfactory proof, and who being duly sworn, affixed his signature hereto.

X



Notary Public

MACEO NICRAE
Notary Public, State of New York
No. 01MC8162489
Qualified in Bronx County
Commission Expires March 12, 2011

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X

IN THE MATTER OF

DOMINGO HERNANDEZ,

CASE NO.: 09-23833 (RDD)
CHAPTER 7

DEBTOR.

-----X

I, Jan Hudgins-Riley, Esq., being admitted to practice before the Courts of the U.S. Bankruptcy Court and the State of New York, under penalties of perjury, do affirm as follows:

1. I am of counsel to the law firm of Cabanillas & Associates, P.C.

2. I provide this affidavit in response to the motion of Mr. Domingo Hernandez for Substitution of Attorney, Striking of Petition and for Sanctions and/or Fees.

3. As was the practice in March of 2009, whenever a client came to the offices of Cabanillas & Associates, P.C. with the possibility of eventually having to file for bankruptcy protection as a component of foreclosure defense, I would meet with them, outline to them the relief available to them under each chapter of the federal bankruptcy laws and provide to them a 11 U.S.C. sec. 342(b) notice in blank.

complete all matters relevant to his filing.

Dated: White Plains, New York
November 5, 2009


Jan Hudgins Riley, Esq.